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REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed June 27, 2006. In the Office Action, the Examiner notes that claims 1-5, 7-12, 16, 18, 21-24 and 29 are pending and rejected. By this response, Applicants have amended claim 1.

In view of both the amendments presented above and the following discussion, Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response including amendments.

REJECTIONS

35 U.S.C. §103

Claims 1, 4-13 (SHOULD BE 12?), 16 and 18

The Examiner has rejected claims 1, 4-13, 16 and 18 under 35 U.S.C. 103(a) as being unpatentable over Herz et al. "Herz" (U.S. Patent No. 5,758,257) in view of Alexander et al. "Alexander" (U.S. Patent 6,177,931). Applicants respectfully traverse the rejection.

In general, Herz teaches a system for scheduling the receipt of desired movies and other forms of data from a network which simultaneously distributes many sources of such data to many customers. In particular, Herz teaches that customer profiles are developed for each customer. The customer profiles describe the importance of certain characteristics of broadcast video programs to each customer. From the customer profiles, an agreement matrix is calculated by comparing the customer profiles to video profiles which define the characteristics of available video programs. As taught in Herz, customer profiles and agreement matrices may be updated using feedback information collected from the set top multimedia terminal. As taught in Herz, feedback information includes a record of video programs actually watched by a customer.

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Herz, however, fails to teach or suggest each and every limitation of Applicants' invention of at least claim 1. Namely, Herz fails to teach or suggest at least the limitation of "the trend data of each terminal including preference indicative information, the preference indicative information including subscriber interactions with at least one IPG page and subscriber selections associated with at least one IPG page, wherein the subscriber interactions associated with the at least one IPG page comprise a plurality of remote control key presses associated with navigation by a subscriber about the at least one IPG page," as taught in Applicants' invention of at least claim 1. Specifically, Applicants claim 1 positively recites:

"A method for targeting programming according to subscriber preferences, comprising:

propagating, via a forward application transport channel (FATC), a plurality of video streams representing respective pages of an interactive program guide (IPG), each IPG page depicting programming associated with a respective pair of channel groups and time slots;

polling the plurality of terminals for trend data, the trend data being generated by respective applications executing at the plurality of terminals, the trend data of each terminal including preference indicative information, the preference indicative information including subscriber interactions with at least one IPG page and subscriber selections associated with at least one IPG page, wherein the subscriber interactions associated with the at least one IPG page comprise a plurality of remote control key presses associated with navigation by a subscriber about the at least one IPG page;

receiving the trend data via a back channel;

determining trend data associated with accumulated subscriber selections;

and

adapting at least one IPG page in response to said determined trend data (Emphasis added.)

As such, Applicants' invention of at least claim 1 teaches a method for targeting programming according to subscriber preferences. A plurality of video streams, which represent respective pages of an IPG, are propagated via a forward application transport channel. Terminals are polled for trend data including preference indicative information. The preference indicative information includes subscriber interactions with at least one IPG page and subscriber selections associated with the at least one IPG page. The subscriber interactions include a plurality of remote control key presses associated with navigation by a subscriber about the at least one IPG page. In other words, Applicants' invention of at least claim 1 generates trend data based on both key

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presses by a subscriber on a remote control by which the subscriber navigates at least one IPG page, as well as selections by the subscriber associated with the at least one IPG page.

By contrast, Herz teaches updating of a customer profile (indicative of the preferences of that customer) using records of video programs actually watched by the customer. A record of a video program watched by a customer, as taught in Herz, is simply not a record of a selection associated with an IPG page, much less a plurality of remote control key presses associated with navigation by a subscriber about the at least one IPG page, as taught in Applicants' invention of at least claim 1. Herz is completely devoid of any teaching or suggestion of Applicants' limitation that "the preference indicative information including subscriber interactions with at least one IPG page and subscriber selections associated with at least one IPG page, wherein the subscriber interactions associated with the at least one IPG page comprise a plurality of remote control key presses associated with navigation by a subscriber about the at least one IPG page," as taught in Applicants' invention of at least claim 1.

Furthermore, Alexander fails to bridge the substantial gap as between Herz and Applicants' invention of claim 1.

Alexander teaches an Electronic Programming Guide (EPG) that provides an enhanced EPG including improved viewer interaction capabilities, improved viewer control of video recording of future-scheduled programming, improved features for EPG display and navigation, parental control of EPG display, and other EPG improvements. Alexander, however, is completely devoid of any teaching or suggestion of generating trend data including preference indicative information. Rather, the portions of Alexander cited by the Examiner merely describe various ways in which a user may navigate the enhanced EPG, as well as different ways in which information may be displayed within the enhanced EPG. In other words, Alexander teaches an enhanced EPG, including various combinations of key presses which may be used to navigate the enhanced EPG. The mere disclosure of different combinations of key presses which may be used to navigate an enhanced EPG, as taught in Alexander, in no way teaches or even suggests that trend data is generated from such key presses, as taught in Applicants' claim 1.

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Furthermore, with respect to the combination of Herz and Alexander, Herz teaches collection of trend data indicative of programming actually watched by a subscriber in a system having a basic EPG, and Alexander teaches an enhanced EPG, including various combinations of key presses which may be used to navigate the enhanced EPG. As such, assuming that Herz and Alexander could be operably combined, the combination of Herz and Alexander would merely teach a system having an enhanced EPG in which trend data indicative of programs actually watched by a subscriber is collected. Improving the basic EPG of Herz by incorporating the teachings of the enhanced EPG of Alexander, including Alexander's teachings with respect to various combinations of key presses which may be used to navigate the enhanced EPG, still does not teach or even suggest a system in which trend data is generated using remote control key presses associated with the enhanced EPG.

As such, the Examiner cites Herz, which shows collection of trend data indicative of programming actually watched by a subscriber, and Alexander, which teaches an enhanced EPG; however, there is nothing in the cited references, either alone or in combination, which teaches or suggests collection of any information associated with subscriber interactions with, or selections associated with, the enhanced EPG. Furthermore, there is nothing in the cited references, either alone or in combination, which teaches or suggests generation of any trend data including remote control key presses associate with navigation by a subscriber about the EPG. In other words, since there is no teaching or suggestion that interactions with or selections from the basic EPG of Herz are used to generate trend data, merely enhancing the EPG of Herz according to the EPG of Alexander simply does not teach or suggest that interactions with or selections from the enhanced EPG of the Herz/Alexander combination are used to generate trend data.

Thus, the combination of Herz and Alexander still fails to teach or suggest Applicants' limitation of the "preference indicative information including subscriber interactions with at least one IPG page and subscriber selections associated with at least one IPG page, wherein the subscriber interactions associated with the at least one IPG page comprise a plurality of remote control key presses associated with navigation by a subscriber about the at least one IPG page," as taught in Applicants' invention of at

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least claim 1. As such, Herz and Alexander, alone or in combination, fail to teach or suggest Applicants' invention, as a whole.

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added). Moreover, the invention as a whole is not restricted to the specific subject matter claimed, but also embraces its properties and the problem it solves. In re Wright, 6 USPQ 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added). The Herz and Alexander references, alone or in combination, fail to teach or suggest Applicants' invention as a whole.

As such, Applicants submit that independent claim 1 is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, claims 4-12, 16, and 18 depend, either directly or indirectly, from independent claim 1 and recite additional limitations therefor. As such, and for at least the same reasons as discussed above, Applicants submit that the dependent claims are also not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

Claims 2-3, 21-24

The Examiner has rejected claims 2-3 and 21-24 under 35 U.S.C. §103(a) as being unpatentable over Herz in view of Alexander and further in view of Hendricks et al. U.S. Patent No. 6,539,548 (hereinafter "Hendricks"). Applicants respectfully traverse the rejection.

Claims 2-3 and 21-24 depend directly or indirectly from independent claim 1. As such, for at least the reasons discussed above in response to the Examiner's §102 rejection of independent claim 1, Applicants respectfully submit that the Herz and Alexander references fail to teach or suggest Applicants' invention as a whole. Furthermore, Hendricks fails to bridge the substantial gap between the Herz and Alexander references and Applicants' invention.

In general, Hendricks discloses an operations center for a television program packaging and delivery system. The operations center organizes and packages

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television programming and program information for delivery to and from consumer homes. It is noted that demographic information is utilized in the context of a computer assisted packaging system (CAP) 260 (along with program ratings) in performing program packaging tasks. As taught in Hendricks, demographic information is generated at the operations center and stored within a database associated with the operations center. That is, demographic data is not provided by the set top terminals; rather, it is determined at the operations center by, for example, a marketing information interface (MII) 402. The MII cooperates with the other operations center functions to derive the demographic information and store it therein.

Hendricks, however, fails to teach or suggest at least the limitation of "preference indicative information including subscriber interactions with at least one IPG page and subscriber selections associated with at least one IPG page, wherein the subscriber interactions associated with the at least one IPG page comprise a plurality of remote control key presses associated with navigation by a subscriber about the at least one IPG page," as taught in Applicants' invention of at least claim 1. Rather, Hendricks merely teaches that demographic data is stored in the Hendricks operations center. The demographics data of Hendricks is not trend data, much less trend data including preference indicative information such as subscriber interactions with and selections from at least one IPG page, much less remote control key presses associated with navigation by a subscriber about the at least one IPG page. Thus, Hendricks fails to teach or suggest each and every element of Applicants' invention of at least claim 1.

As such, Applicants submit that claim 1 is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, claims 2-3 and 21-24 depend, either directly or indirectly, from independent claim 1 and recite additional limitations therefor. As such, and for at least the same reasons as discussed above, Applicants submit that these dependent claims also fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

Secondary References

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The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicants' disclosure than the primary references cited in the Office Action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.

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CONCLUSION

Applicants believe all the claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of an adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Michael Bentley at (732) 383-1434 or Eamon J. Wall, Esq. at (732) 530-9404, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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